

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MICHAEL T. PINES,

Plaintiff,

vs.

EMC MORTGAGE CORP., et al.,

Defendants.

ORDER and

MEMORANDUM DECISION

Case No. 2:08-CV-137 TC

This case is before the court on Defendants Cal-Western Reconveyance Corp. (Cal-Western) and James Woodall's motion for summary judgment and Plaintiff Michael Pines's motion for summary judgment.

BACKGROUND

The court incorporates its recent order and memorandum decision in this case (Docket No. 305) and will not repeat those facts here. In addition, it is undisputed that Cal-Western provides foreclosure services and Mr. Woodall acts as trustee in Utah foreclosures referred to him by Cal-Western. Mr. Woodall was the substituted trustee under the deed of trust encumbering Mr. Pines's property. He entered into this position on the request of EMC Mortgage Corporation for the processing of a nonjudicial foreclosure on Mr. Pines's property.

STANDARD OF REVIEW

Summary judgment is appropriate "if the pleadings, the discovery and disclosure

materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c); see Justice v. Crown Cork & Seal Co., Inc., 527 F.3d 1080, 1085 (10th Cir. 2008). The court must construe all facts and reasonable inferences therefrom in the light most favorable to the nonmoving party. Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986); Seegmiller v. LaVerkin City, 528 F.3d 762, 766 (10th Cir. 2008).

ANALYSIS

Mr. Pines has asserted claims of defamation, breach of the duty of good faith and fair dealing, intentional interference with existing and prospective economic relations, and violation of the Fair Debt Collection Practices Act (FDCPA) against Defendants. In his motion for summary judgment, Mr. Pines states that he is not pursuing the FDCPA claims against Cal-Western and Mr. Woodall based on this court’s earlier ruling. (Plt.’s Motion for Summ. J., at 17) These claims are accordingly dismissed.

This court had jurisdiction over this action under its federal question jurisdiction. 28 U.S.C. § 1331. At this time, all federal questions in this litigation have been dismissed. Because the federal statutory claims have been dismissed, the court will not exercise its supplemental jurisdiction over the Plaintiff’s remaining state claims. 28 U.S.C. § 1367(c)(3).

ORDER

Defendants Cal-Western and Mr. Woodall's motion for summary judgment is GRANTED.

Mr. Pines's motion for summary judgment is DENIED.

DATED this 7th day of July, 2009.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
Chief Judge